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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiroyuki NAGASAKA

Group Art Unit: 2851

Application No.: 10/584,950

Examiner: P. KIM

Filed: July 5, 2006

Docket No.: 128620

For: EXPOSURE APPARATUS, EXPOSURE METHOD, AND DEVICE PRODUCING
METHOD

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 10, 2009 Restriction Requirement, Applicant provisionally elects Group IV, claims 14-18, 39-41, 49, 50 and 54, with traverse.

The Restriction Requirement has ambiguities. Claim 8 is listed in both Groups I and II. It is believed that claim 8 belongs only in Group II because its dependent claims all are in Group II. Applicant also notes that claim 30, depending from claim 1, has not been assigned a Group.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the

merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: May 1, 2009

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